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12 SUPERIOR COURT OF STATE OF ARIZONA
13 COUNTY OF YAVAPAI

14 **STATE OF ARIZONA,**

15 Plaintiff,

16 vs.

16 **JAMES ARTHUR RAY,**

17 Defendant.
18
19
20

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**NOTICE OF FILING OF NOTARIZED
AFFIDAVIT OF DR. NORMA J.
SILVERSTEIN IN SUPPORT OF
DEFENDANT JAMES ARTHUR RAY'S
RENEWED MOTION TO CHANGE
PLACE OF TRIAL**

21 Defendant James Arthur Ray, by and through undersigned counsel, hereby submits the
22 notarized affidavit¹ of Dr. Norma J. Silverstein, together with Exhibits A to F, in support of his
23 Renewed Motion to Change Place of Trial, filed February 1, 2011. Dr. Silverstein is available to
24 testify at an evidentiary hearing, should the Court require one or the State wish to cross-examine
25 Dr. Silverstein on the matters stated in her affidavit.
26

27 ¹ Dr. Silverstein is currently located in Gainesville, Florida and will have her affidavit duly notarized. The
28 original notarized affidavit will immediately be filed with the Court upon receipt of the same from Dr.
Silverstein on or about February 8, 2010. Mr. Ray, however, did not want to delay this filing given the
trial date.

SUPERIOR COURT
2011 FEB -7 PM 4:00 ✓
JENI... CLERK
Ivy Rios
BY: _____

1
2 DATED: February 7, 2011

MUNGER, TOLLES & OLSON LLP
BRAD D. BRIAN
LUIS LI
TRUC T. DO
MIRIAM L. SEIFTER

5 THOMAS K. KELLY

6
7 By: 

8 Attorneys for Defendant James Arthur Ray

9 Copy of the foregoing delivered this 7th day
10 of February, 2011, to:

11 Sheila Polk
12 Yavapai County Attorney
13 Prescott, Arizona 86301

14 by 

Yavapai County Superior Court Case No.: V1300CR201080049
State of Arizona v. James Arthur Ray

AFFIDAVIT OF DR. NORMA J. SILVERSTEIN IN SUPPORT OF
DEFENDANT'S MOTION FOR CHANGE OF VENUE.
FEBRUARY 7, 2011

Dr. Norma J. Silverstein, if duly sworn and called to testify, says as follows:

1. I am Senior Vice President of Research and Development at Vinson & Company. Vinson & Company is a Los Angeles, California firm engaged in the business of understanding human behavior and the social and psychological processes involved in a jury trial. On January 28, 2011, Vinson & Company was asked by the law firm of Munger, Tolles & Olsen LLP to conduct a venue study. Vinson & Company is providing its services to the Defendant, James Arthur Ray, in this case on a *pro bono* basis.

2. Under my direction, Vinson & Company conducted a statistical survey in Maricopa County, Arizona commencing on February 1, 2011 and ending on February 3, 2011. The survey was designed to measure public opinion in Maricopa County concerning the defendant as it compares to opinions expressed on court mandated jury questionnaires from the venire in Yavapai County, Arizona.

3. In the following paragraphs, I shall do the following: (A) describe my experience and qualifications for conducting and interpreting the results of this survey; (B) discuss the method by which the survey was conducted; (C) discuss the topics covered in the survey and the findings; (D) discuss why an inherent juror bias among potential jurors mandates transfer of the case out of Yavapai County.

A. Experience and qualifications of Dr. Norma J. Silverstein.

4. I hold a Bachelor of Arts degree from the University of Missouri (1971). I have completed coursework for two Master of Arts Degrees in psychology and social psychology from California State University, Long Beach, CA (1974 & 1989), a Ph.D. (A.B.D.) from the University of Southern California (1978) and a Psy.D., Doctor of Psychology Degree, from California Coast University in Santa Ana, CA (2001).

5. I have conducted several extensive studies which were designed to understand potential juror bias in cases with extensive media coverage in various venues. Two national venue studies I have been involved with are: *United States of America v.*

Timothy McVeigh and United States v. Terry Lynn Nichols (1995). These two cases involved the bombing of the Alfred P. Murrah Building in Oklahoma City. In both cases, I worked with the prosecution team representing the United States of America. I have also been involved with a multi-state venue study regarding the Orange County, California bankruptcy litigation: *People of the State of California v. Robert Lafee Cltron* (1994). I have also conducted a venue study for a high-profile criminal matter in Chicago, Illinois in 1996: *The People of the State of Illinois v. Dennis Kurzawa, Thomas Vosburgh, Robert Winkler, James Montesano, Thomas Knight, Patrick King and Robert Kilander*. I have also conducted a venue study in Ventura County, CA for *Rio School District v. Siemens Building Technologies* (2006). I have assisted the Principals at Vinson & Company with a venue study in Montana: *USA v. W.R. Grace, et al.* (2005). Finally, our Vinson & Company Chairman, Dr. Donald E. Vinson, conducted a venue study for the matter involving the Washington Public Power Supply system Securities Litigation in the Western District of Washington (1984).

B. Survey Methodology.

6. Commencing on February 1, 2011, Vinson & Company undertook a survey of jury qualified individuals who reside in Maricopa County, Arizona. The criteria for determining juror qualifications are discussed in further detail below. The sample consisted of 400 individuals who were interviewed by telephone.

7. The survey questionnaire was designed to mirror key bias questions that appear on the Yavapai County court's jury questionnaire thus enabling a one-to-one comparison of interviewee's attitudes in both venues. Care was taken that the questions not be loaded so as to "lead" respondents into providing a particular answer. On all questions, care was taken to ask the questions without suggesting to the respondents any potential answers. The interviews averaged less than 5 minutes and asked between 5 and 7 questions depending upon whether the interviewee said he/she had heard/read/seen any media coverage of the case and/or defendant.

8. Trained interviewers who are experienced in survey methodology conducted the interviews using Computer Aided Technology, Inc. ("CATI") computerized software. The CATI software allows the entire survey to be programmed into a computer and the interviewer and interviewee are guided through the survey via the software, eliminating potential mistakes or inconsistencies in wording and skip patterns. Respondents' answers are immediately entered into the computer as they are verbalized. Appropriate follow-up questions were asked for clarification when indicated by the survey structure.

9. All telephone dialing was conducted using Random Digit Dialing procedures. Random Digit Dialing is the method of choice for sampling randomly, via the telephone, from a population of residents. It assures that individuals who have listed phone numbers as well as those with unlisted numbers are called equally because the phone numbers are generated randomly based upon data "banks" of prefixes assigned to each geographic region in the country.

10. Upon contact, each respondent was screened to determine whether they would be eligible for jury service in Maricopa County. This was accomplished by asking several initial screening questions at the beginning of the survey relating to age and voter residency in addition to whether the respondent possessed an Arizona driver's license or identification card. An individual is eligible for jury service in Maricopa County if they are at least 18 years of age and qualify through one of the following: 1) either a registered voter in Maricopa County (88% of the sample were registered voters in the sample) or 2) residency in Maricopa County and possession of either a valid driver's license or identification card. Respondents were not interviewed if it was apparent they did not speak English well enough to understand and participate in the survey. At the completion of the survey, each respondent's phone number was verified and entered into the computer.

11. The sample size of 400 individuals was selected to ensure that the results would accurately reflect the opinions of potential jurors residing in Maricopa County. The sample size of 400 from the Maricopa County population has a sampling error of plus or minus 5% at the 95% confidence level. This means that if we were to sample every jury-eligible individual in Maricopa County, there is one chance in 20 that the results would vary from the findings of this poll by more than plus or minus 5%.

C. Topics covered in the survey and principal findings.

12. The questions covered in the survey and the principal findings are summarized below. A copy of the survey instrument and instructions to the interviewers is attached as Exhibit A. The survey results in data form and percentages are set forth in full and attached as Exhibit B.

1. Significantly less exposure to media coverage in Maricopa County and almost universal exposure in Yavapai County.

13. A summary of 238 jury questionnaires from Yavapai County indicated 94% of the venire had heard/read/or seen coverage of the case in the media. Among Maricopa County respondents, 72% indicated exposure. The difference between the two venues was statistically significant at the $p < .000$ level, using the Chi Square Test.¹

14. Upon follow-up, 36.2% of those who had heard about this case in Yavapai County indicated that the media exposure to this case "would" interfere with their ability to be fair and impartial, compared to 27.1 % in Maricopa County. The difference between the two venues was statistically significant at the $p < .000$ level.

¹ This means that the difference found between the percentages on the questions from the Maricopa survey and the Yavapai jury questionnaires is significantly different at a level that is not due to chance, but due to real differences between the two venues. Ordinarily, a significance of $p < .05$ is considered to be a reliable difference, and a difference that reaches significance of $p < .01$ is considered to be a highly reliable difference. In this case, the significance of $p < .000$ is extremely highly reliable.

15. Thus, 34.9% (83/238) of the total venire in Yavapai County indicated a bias based upon media exposure compared to 19.5% (78/400) of the total sample in Maricopa County.

2. An additional 8% in Yavapai County indicated that the nature of this case alone could prevent them from being fair and impartial.

16. Media exposure is one concerning source of bias but a percentage in each venue indicated that while media exposure would not be an issue for them, the nature of the case or what they believe they knew about this case could in-and-of itself cause bias, and that percentage was higher in Yavapai County. In Yavapai County, 8% of the total venire (19/238) indicated that while they had been exposed to media coverage and the media coverage would not be a factor in their ability to be fair and impartial, the nature of the case could be. The percentage in Maricopa County was 3%.

3. Almost twice as many Yavapai veniremen indicate bias.

17. As summarized in Exhibit C, the total percentage of individuals indicating inability to be fair and impartial is 42.9% of the venire in Yavapai County. These are persons who expressed some bias on their jury questionnaires either due to the nature of the case alone or due to media bias alone or both. The percentage for Maricopa County was 22.5%.

D. There is an inherent juror bias in Yavapai County which precludes empanelling a fair and impartial jury.

4. Almost universal prejudicial media exposure in Yavapai County.

18. The most concerning finding from this survey is the significantly greater media exposure in Yavapai County. A list of comments made on the Yavapai jury questionnaire is attached as Exhibit D. Furthermore, an examination of the jury questionnaires reveals an overwhelming bias against the defendant based upon that media coverage. This is evident in a summary of the comments found on the jury questionnaires from Yavapai regarding an inability to be fair and impartial based upon media exposure (see Exhibit E).

19. Of those who indicated a bias based upon the media, 70% mentioned a clear and unmistakable bias against the defendant. Most of the remainder were not as clear cut (e.g., "couldn't be fair based upon what I've heard" and "Lots of information out there, hard to ignore."). Typical comments, which are clearly prejudicial, dominate the responses on the jury questionnaire and refer to the "facts" they've seen that lead them to believe the defendant is guilty, such as:

"This coverage convinced me that Mr. Ray is a con artist who has garnered a fortune by duping people. I believe his greed and inflated

ego caused him to ignore the well-being of those who trusted him, and that led to the tragic deaths of three people. I would find it virtually impossible to be impartial as a juror in this case.

"As stated on page 5, I have already formed an opinion of guilt toward Mr. Ray based on all of the coverage I have seen or read about this case."

"There is no question that I could be unable to be a fair and impartial juror"; "this was a money-making hoax/scam in all regards."

"At that time of the incident, I felt he was guilty, and I still feel that way of his doings."

"Seems simple to me I don't know why this is even going to court. I feel like James Arthur Ray is guilty based on what I know."

"I believe he is guilty and should be punished to the fullest extent of the law, including the death penalty."

"News was not in his favor."

"I have become biased to view Mr. Ray as a money hungry fraud. A cult leader who preyed on others and pushed them too far."

"The media showed that Mr. Ray was in charge and as such, was the responsible party for anything that happened. As such he is the guilty party for anything that happened."

20. This disturbing prejudicial and widespread coverage by the local media strongly suggest there will be significant obstacles for obtaining an untainted, fair and impartial jury in Yavapai County in this case.

21. Maricopa County has a larger population than Yavapai County. Only 6% of Yavapai County venire have not heard about this case. That represents a very small number of individuals from which to seat a jury. This is contrasted with 28% who haven't heard about the case in Maricopa County which represents a much larger number from which to draw a jury pool.

22. The level of vitriol expressed by potential jurors in Yavapai County is at a level that I have not seen in prior cases. Emotionally laden descriptions of the defendant go far beyond simply leaning towards believing him to be guilty. Potential jurors not only describe what they believe to be "factual" events in this tragedy, but attributions about the defendant's character ("a fraud"), motivations ("money hungry") and even views of appropriate punishment ("death penalty").

tragedy, but attributions about the defendant's character ("a fraud"), motivations ("money hungry") and even views of appropriate punishment ("death penalty").

23. In my professional opinion, based upon the data in this case and my experience in other cases involving extensive media coverage of the events, I do not believe Mr. Ray can seat a fair and impartial jury in Yavapai County. The data demonstrates that Maricopa County is a fairer venue.



Dr. Norma J. Silverstein
Gainesville, Florida
February 7, 2011

Exhibit A

Maricopa County Venue Survey Instrument

Hello, I'm not selling anything but I'm taking a survey about a recent event. Do you have about three minutes for the survey?

Are you 18 years of age or older?

1. Yes
2. No (TERMINATE)

Are you a registered voter of Maricopa County?

1. Yes (Do not ask next question, but continue with survey)
2. No (Ask next question)

Are you a resident of Maricopa County and do you have a current Arizona driver's license or an ID card?

1. Yes
2. No (TERMINATE)

Good. Let me tell you about the event. On October 8, 2009, after participating in a sweat lodge ceremony at the Angel Valley Resort in Yavapai County, three people died and others became seriously ill. The Yavapai County Sheriff's Office was called to the scene and opened an investigation into the incidents. James Arthur Ray was subsequently indicted on three counts of manslaughter for the deaths of victims Kirby Brown, James Shore and Lizbeth Neuman. Mr. Ray has pled not guilty to these charges.

1. Let's assume for a moment that you have been summoned for jury duty in this case. Is there anything about the nature of this case or what you believe you know about the people or events surrounding this case that could interfere with your ability to be a fair and impartial juror?
 1. Yes (could not be fair—ask 1a)
 2. No (could be fair—ask 1b)
- 1a. So you are saying that you could NOT be fair?
 1. Yes, that's correct, (could not be fair)
 2. No, that's not correct, (could be fair)
- 1b. So you are saying that you could be fair?
 1. Yes, that's correct, (could be fair)
 2. No, that's not correct, (could not be fair)
2. Have you read, heard, or seen anything in the media, including television, radio, newspapers, internet or any other media source about this case or James Ray?
 1. Yes
 2. No (STOP)
3. Would any of the information that you have heard interfere with your ability to be a fair and impartial juror in this case?
 1. Yes (could not be fair—ask 3a)
 2. No (could be fair—ask 3b)
- 3a. So you are saying that you could NOT be fair?
 1. Yes, that's correct, (could not be fair)
 2. No, that's not correct, (could be fair)
- 3b. So you are saying that you could be fair?
 1. Yes, that's correct, (could be fair)

2. No, that's not correct, (could not be fair)

Thank you, those are all the questions I have.

Exhibit B **Frequency Table Maricopa County Venue Survey**

qa 18 or Older

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes	400	100.0	100.0	100.0

qb Registered Voter of Maricopa County?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes	351	87.8	87.8	87.8
2 No	49	12.3	12.3	100.0
Total	400	100.0	100.0	

qc Resident of Maricopa Co. and Current Arizona Driver's License or ID Card?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes	49	12.3	100.0	100.0
Missing System	351	87.8		
Total	400	100.0		

q1 Anything About Case That Could Interfere With Being Fair Juror?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes (could not be fair)	96	24.0	24.0	24.0
2 No (could be fair)	304	76.0	76.0	100.0
Total	400	100.0	100.0	

q1a Confirm Could NOT be Fair

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Yes, that's correct, (could not be fair)	76	19.0	79.2	79.2
2 No, that's not correct, (could be fair)	20	5.0	20.8	100.0
Total	96	24.0	100.0	
Missing System	304	76.0		
Total	400	100.0		

q1b Confirm COULD be Fair

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes, that's correct, (could be fair)	288	72.0	94.7	94.7
	2 No, that's not correct, (could not be fair)	16	4.0	5.3	100.0
	Total	304	76.0	100.0	
Missing	System	96	24.0		
Total		400	100.0		

ADJ_q1 Anything About Case That Could Interfere With Being Fair Juror (corrected)?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes (could not be fair)	92	23.0	23.0	23.0
	2 No (could be fair)	308	77.0	77.0	100.0
	Total	400	100.0	100.0	

q2 Read/heard/seen Anything About Case or James Ray?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes	288	72.0	72.0	72.0
	2 No	112	28.0	28.0	100.0
	Total	400	100.0	100.0	

q3 Would Information Heard Interfere With Ability to be Fair Juror?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes (could not be fair)	82	20.5	28.5	28.5
	2 No (could be fair)	208	51.5	71.5	100.0
	Total	288	72.0	100.0	
Missing	System	112	28.0		
Total		400	100.0		

q3a Confirm Could NOT be Fair

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes, that's correct, (could not be fair)	72	18.0	87.8	87.8
	2 No, that's not correct, (could be fair)	10	2.5	12.2	100.0
	Total	82	20.5	100.0	
Missing	System	318	79.5		
Total		400	100.0		

q3b Confirm COULD be Fair

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes, that's correct, (could be fair)	200	50.0	97.1	97.1
	2 No, that's not correct, (could not be fair)	6	1.5	2.9	100.0
	Total	206	51.5	100.0	
Missing	System	194	48.5		
Total		400	100.0		

ADJ_q3 Would Information Heard Interfere With Ability to be Fair Juror (corrected)?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Yes (could not be fair)	78	19.5	27.1	27.1
	2 No (could be fair)	210	52.5	72.9	100.0
	Total	288	72.0	100.0	
Missing	System	112	28.0		
Total		400	100.0		

Exhibit C

County Comparisons

	Yavapai County n=238				Maricopa County N=400	
	YES	NO	Unsure	Did Not Answer*	YES	NO
1. Is there anything about the nature of this case or what you believe you know about the people or events surrounding this case that could interfere with your ability to be a fair and impartial juror?	36.4% N=83	63.6% N=145		N=10	23% N=92	77% N=308
2. Have you read, heard, or seen anything in the media, including television, radio, newspapers, internet or any other media source about this case and/or James Ray?	94% N=220	5.6% N=13	0.4% N=1	N=4	72% N=288	28% N=112
3. If you have been exposed to media coverage of this case, would any of this information interfere with your ability to be a fair and impartial juror?	36.2% N=83	59.8% N=137	3.9% N=9	N=9	27.1% N=78	72.9% N=210
Total percentage of venire/sample that indicated a bias due to media exposure.	34.9% N=83/238				19.5% N=78/400	
Bias on q1 and no bias on q3, i.e., non-overlap, we see an additional 19 persons in Yavapai expressing a bias due to the nature of the case alone and an additional 12 persons in the survey expressed similar bias.	8% N=19/238 of all venire				3% N=12/400 of all sampled	
Total of media bias and bias due to nature of the case alone in each venue.	42.9% N=102/238 professed bias				22.5% N=90/400 professed bias	

*Those who did not answer the question were not included in the base for percentage calculations.

Exhibit D

Yavapai Jury Questionnaire

List of Comments when asked to explain any media exposure to case or Mr. Ray

- **Saw the television coverage of the incident at the time.**
- **All of the above**
- **I remember reading about the deaths in the newspaper and hearing it on the news.**
- **General news info local and national media re: the event**
- **Watched TV coverage and read newspapers**
- **Read about it in newspapers and heard/saw on radio and T.V.**
- **I have seen it on television, read about it in the local newspaper. It has also been on national news.**
- **Original news story at time of incident. Didn't pay much attention. Nothing since then.**
- **Watched all the media coverage - Dateline? on TV**
- **Saw several accounts of this on cable news CNN, Fox News.**
- **Like most people, I have seen substantial television news coverage on this incident, and have read most accounts published by the Ariz. Republic and other print media.**
- **Of course through media**
- **I have followed this case since the beginning.**
- **I have seen about this case on TV & radio.**
- **Newspapers and television.**
- **I read most of the accounts in the newspaper.**
- **I read the local Prescott newspaper regarding this event. I also saw some news coverage on television.**
- **TV news reports**
- **See attached. I feel I could be a fair and impartial juror, however in the interest of full disclosure of the following info should be made available to both the prosecution & defense. 1) I am currently employed by Sedona Fire Dist & work in Regional Com...**
- **I saw, briefly, on television information about the deaths but didn't pay a lot of attention as I was getting ready to move to this area.**
- **Was it possible not to see this in the paper or on the news?? Of course I read the paper daily and watch the news daily.**
- **Have heard the radio updates. Other than that nothing in the paper or internet**
- **Just heard about it on the news.**
- **Saw local news broadcast when it happened, not many details were given - limited details. I have watched the DVD (The Secret) which he was in some scenes.**
- **TV coverage on Phoenix news**
- **Read about it in the papers and saw the news about this case one TV**
- **Local evening news and newspaper**
- **Radio & television coverage & local newspaper coverage.**

- I have watched the news when it happened & read the newspaper articles.
 - All of the above and I work in the clerk's office as a customer service clerk and I've stamped in pleadings for this case. I honestly don't think I know any more about this case than the average person whose heard about it.
 - I had heard about it on the news.
 - The usual media coverage
-
- I have seen some news coverage shortly after the incident.
 - All of the above
 - Television
 - I have followed the circumstances surrounding this case closely through television and newspaper media sources
 - very little - TV news
 - I recall hearing the initial news report on television that 3 people had died in a sweat lodge ceremony in Sedona.
 - I saw the news headline on TV when it was recent news. I did not know how many died or who was at fault.
-
- people taking
 - Television news
 - It was in the news just after I moved to Arizona on Oct. 2, 2009. I paid cursory attention to the news.
 - Articles in Prescott Courier
 - Newspaper, T.V.
 - General news media reports
 - Only what I read in the Daily Courier at the time of the event.
 - If you read a paper or watched TV news you could not have missed it. I do both
 - Initial media reports
 - Initial media info after the incident national news media coverage.
 - Information provided by the news.
 - Several months back I heard about the situation on the radio.
 - Television and newspaper media
 - I saw all the initial coverage on TV about this event. I have not paid much attention to subsequent coverage.
 - TV news
 - Very little months ago
 - News reports when story broke.
 - TV - newspaper
 - Plenty! People Mag. Redrock News, TV News, etc ... He is guilty, they were fools!
 - I have viewed news reports on TV and read reports in the "Sedona Red Rock News."

- Heard when first happened. Then occasionally the name. I learned more from your summary then I knew totally.
 - Radio when it happened.
 - Newspaper coverage only in Sedona Red Rock News.
 - I heard about this incident on the news on TV.
 - Basic Headlines ... really didn't read the details...
 - Internet, television, newspaper
 - Brief TV & radio news reports about these events.
-
- I subscribe to the local newspaper - Daily Courier and read about the case at the time of the event.
 - Have seen coverage of this issue on local news channel and some local newspaper media.
 - Stories on the local newspaper and TV
-
- I live in the Verde Valley so there was a lot of media coverage.
 - Have seen some TV on the subject.
 - I have just heard from friends and family what happened. Nothing extensive.
 - Television, radio, people talking. The arresting officer is a neighbor of a friend.
 - I have read everything published in the Daily Courier. I've also seen some TV coverage reports.
 - Some initial news coverage.
 - Local, regional and national news
 - When it first happened. Television.
 - Local television news but never really bothered to listen to any details.
 - Saw news - interested. Have attended sweat ceremony previously with tribes.
 - Heard and discussed at work regarding this case when it first occurred.
 - Only what I read in the Daily Courier when the incident occurred.
 - TV and internet
 - I don't know anyone who has not.
 - I've seen on the news when the incident happened.
 - I saw the initial report in the Prescott Courier newspaper.
 - I watch the news and read the newspaper and this was a national news event.
 - Radio, T.V.
-
- I remember seeing something on t.v. about the incident. Didn't know the guys name was James Ray.
-
- Radio that there was a fire in sweat lodge and 3 people had died.
 - I heard the initial news reports that people had been injured in a sweat lodge incident. I have heard the name James Ray as the owner/speaker. Overall no in depth understanding of the circumstances.

- I just remembered it being in the news when it first happened.
- General news. I have not paid close attention to details.
- Newspaper when it happened. Spoke to some of the EMS personnel that worked the scene, and some indirect information from Sheriff's detectives after the incident.
- I have seen television and newspaper stories about the case.
- Heard it on the news when it first happened and a few updates in following months, but don't remember all the details.
- Don't always watch the news but it would be hard to of missed all of the coverage this was given.
- I heard about the deaths of the three people at the sweat lodge in Sedona and that James Ray was being charged.
- Initial media coverage only. Nothing since.
- The local newspaper, The Verde Independent, has reported on this incident a number of times.
- I heard/read the news reports when the incident occurred.
- I heard about the case on the news on one occasion. I believe it was on FOX News.
- I have followed this story since it broke. I have read about the case in the newspaper, watched television shows about it and read internet coverage. I have already formed an opinion of Mr. Ray's guilt.
- I briefly heard about this situation on the news one day a while back but it was only that some people had died in a sweat lodge and I did not get specifics on who or why only that it had happened
- I am a daily news reader; this event was widely reported.
- I've heard lots on the radio, a bit on TV and maybe the newspaper.
- I read about people dying in the newspaper and saw report on television.
- I have read what was in newspaper and seen what news coverage there was on T.V.
- media/news coverage when it first happened. I also own a video, The Secret, which features - interviews James Ray.
- It was rather hard to miss locally when this happened
- I'm a regular news watcher and have heard medias reporting on this case.
- I read local newspaper accounts of the event.
- Have heard about the case on radio only.
- I saw pictures of the place where this took place from the television, and hears that people had died.
- This incident has been in the news. Kinda hard not to hear or see anything.
- When the incident first occurred, I heard about it on the television news. I did not hear any other details that were not included with the Court's case summary. I have not done any other research on the case or James Ray.
- I heard the negative news reports on TV when the incident took place.
- My wife and I have watched "The Secret" many times and Mr. Ray was a featured speaker on that DVD. 2. Although we do not have TV or a newspaper, I did read a few things about the event on the Internet and in the local paper. Frankly, I thought the

- At the time of the tragedy, there was considerable media exposure. I witnessed accounts on TV and read newspapers.
- I searched the Internet at the time it happened - curious how far-reaching the media coverage had been.
- I read articles about the incident after it occurred. I had not heard of James Ray before that.
- I have read the articles in the local papers and seen it in the local and national news stations.
- I heard about this incident on TV news when it happened but I haven't been listening any more to it because the media usually runs every story into the ground and I get tired of all the negative news.
- I have read newspaper articles (Arizona Republic and Prescott Courier).
- I saw news coverage after the event.
- Only when it first happen - didn't really pay attention to it - so I don't have opinion about it. Now, I don't recall what happen that time. I do not get the papers or listen to the news much.
- TV - Radio
- It was impossible NOT to hear news broadcasts about this case. It is not the type of news I listen to. I focus on national and international news related to incidents of national importance.
- News reports when 3 people died due to the sweat lodge. And then how James Ray denied responsibility.
- I followed all local newspaper accounts and national and local news on television and the internet.
- I have read articles in the local paper, magazines, and AZ Republic about this case and James Ray. I have seen numerous news casts that seem to follow this case closely specifically Channel 12 News (ABC) and Channel 5 (CBS/out of Phoenix).
- TV reporting when this took place. Radio when this took place. I did read some on internet at library, cause it was such terrible crime that took place.
- Our local newspaper, the Daily Courier and our local radio stations covered the events surrounding this case pretty extensively as it was unfolding, including Mr. Ray's involvement.
- Newspaper articles, TV news
- Saw It on Fox News
- I watched the TV news accounts of this incident.
- This case has been all over the news, etc. Hard to avoid.
- I read the newspaper and have had some discussions of this with others including my friend who arrived there late, as a volunteer.
- Have heard and read of the case in the media, including the lack of medical facilities, severe dehydration, heat exhaustion etc.
- I followed TV & newspaper coverage closely and heard comments from first-responders (media and in-person)
- Newspaper - Television
- Read newspaper articles & and the Web.
- I have kept up with coverage of this case from television & newspapers.
- National public radio, the Internet and TV news.

- I watch the news on TV and read the paper.
- TV news - Radio - Internet News
- I've seen news reports on this case and the last I remember is that he says he's not guilty.
- Newspaper articles presenting unfavorable views, conversations with community members and friends.
- I have seen coverage and actually followed it as necessary to remain informed as part of my role as Asst. CM. I also wrote press releases and attended all-day crisis media training specifically on this topic - including topic points and attendance by
- Local newspapers, tv stations and internet blogs have given information and opinion about this case and/or James Ray.
- I have seen the reports on TV and what had happened and what his response was, I could go on, but its up to a jury to decide his fate.
- I have read extensively about this case in newspapers and magazines. I have seen and heard numerous accounts of this tragedy via network news and news specials. I believe that James Arthur Ray was negligent in that he did not adequately provide for
- Newspaper and radio
- Saw coverage on TV
- I heard all the news reports on TV and newspaper.
- Read reports in Prescott Courier, viewed some news reports on television at the time of the incident. Have not read or seen much about the case recently.
- Saw accounts on TV and newspaper. I was in the medical work force for many years. This was a travesty caused by (Ray's) negligence of the most proport.
- I have read numerous articles in the newspaper and have seen some TV news programs.
- Just what the newspaper said
- I recall when the story broke and minor details of the incident. Seems simple to me. I don't know why this is even going to court.
- Anyone who lives in the area is at least somewhat familiar with the case.
- I heard everything that was reported on TV and in the paper
- I have read articles in the Courier, Ariz. Republic, and watched news stories on Phoneix TV.
- It was on the news and the internet at the time. I followed the newspaper also. I thought it was a horrible tragedy by a greedy man.
- I explained on earlier page I watched TV coverage and read local and Az. Republic newspapers
- Since Oct. 9/09 and numerous times since, I have seen reports, on TV, heard over the radio, and have seen newspaper articles concerning this case.
- I read about the incident in local newspapers and saw the coverage on the television. I also read some on-line articles regarding this.
- I read the initial newspaper articles.
- I read a lot about this case, followed it up in the news and have formed an opinion.
- I have watched news coverage, read news articles and heard radio coverage. I have also read online about it.

- television, radio, newspapers, internet, both here and in Milwaukee WI area
- Daily newspaper (NYTimes and Arizona Republic). Internet, radio coverage, discuss with family.
- I have seen on TV and read a lot about this case.
- Yes, all of the above. I watch morning and nightly news. I read the Fox News page on the internet from time to time. I also listen to the radio
- In paper and on T.V.
- Television & newspaper
- He made people stay in a sweat lodge for spiritual things & would not let them leave.
- I have a TV and radio and have heard many reports about the sweat lodge incident.
- It was all over the news channels during the incident. Also the front page (I believe) in the Prescott Courier.
- The Daily Courier carried/posted articles about this impending case shortly after this tragedy was discovered.
- About 2 months ago, this case came to the attention of a friend in England who asked me about it. So I checked it out.
- Just that Mr. Ray is being trialed for manslaughter. All the events that lead to the decision.
- On the Phoenix news stations channels 5 and 3. I read about it in the local papers and heard what the radio station KVRD had to said to inform the public about what happened.
- I heard James Ray is being accused of being responsible for the deaths at the sweat lodge ceremony. The news reported James Ray ignored requests of people to leave.
- newspaper, media when it first happened
- Have read all news articles and seen TV coverage of the incident.
- The case was in the news.
- TV - radio - newspaper
- Television, radio, newspaper, interviews with Mr. Ray on T.V.
- I have read newspaper accounts, watched internet and TV reports and been exposed to discussions on a professional level.
- New's
- New's
- TV, internet, newspaper accounts of the ceremony and the deaths.
- I live in Sedona so this case has been discussed a great deal. It has been reported in the Red Rock News. Also, we watch news programs that have reported on the circumstances surrounding the case. We also receive the Arizona Republic newspaper.
- Have followed the case closely as a resident of Sedona, and reader of news.
- News reports on tv at the time it happened and since.
- Newspaper & media. James Ray is at fault of desecrating traditions of Native Americans & practicing without proper training & thus responsible for the deaths of people.
- Since the occurrence of this event, NPR has had several spots from time to time about it.
- Saw it all over the news, radio and paper. Saw pictures and heard about what happened.

- It's all over - the man is a criminal, guiding people to a sweat lodge, something that is very sacred and should be respected - not knowing what he is doing - he is already guilty in my eyes - honestly.
- The information as presented on T.V. and radio caused me to form an opinion that Mr. Ray is guilty.
- I've seen a few articles in the local papers. I also heard talk about it at the hospital.
- Multiple newspaper and radio/TV coverage
- Seen the local and national TV news. Read more through Yahoo News. Understand James Ray published a book regarding New Age Spiritualism and thought he could conduct a sweat lodge ceremony in Sedona, AZ which turned out to be disastrous for all the
- 20/20 special, newspapers, and internet. It was all over the news.
- It has been on TV, radio, and newspaper every day for months.
- Local newspaper and internet.
- I have seen and read extensive coverage of this case on television and newspapers.
- saw on TV
- As an AZ resident, I took interest in the story because of the location and discussed it with friends and family.
- Read about it in the camp verde newspaper
- Yes, I have actually watched and read things in regards to this case. The last one being a T.V. documentary about it (I think 20/20).
- TV - newspaper

Exhibit E

Yavapai County Jury Questionnaire

List of all comments made on Question 10A when asked to explain why they answered "yes" that the media coverage they were exposed to would interfere with them being a "fair and impartial" juror.

- Again, I'm already negative toward James Ray because of my own personal experience with a sweat lodge.
- As stated above, I have already formed an opinion as to Mr. Ray's guilt.
- As stated on page 5, I have already formed an opinion of guilt toward Mr. Ray based on all of the coverage I have seen or read about this case.
- At that time of this incident, I felt he was guilty and I still feel that way of his doings.
- Based on media information I feel strongly that Mr. Ray is guilty in the deaths of the 3 participants.
- based on the articles it would be easy to assume he was irresponsible and guilty
- Because I have already formed an opinion that Mr. Ray is guilty of murder.
- Because of the opinions I formed at the time, it may very well interfere with my ability to be impartial.
- But refer to case summery question.
- Do not know
- Even if I wasn't friends w/a volunteer on the scene, I may still have difficulty after reading different articles.
- Feel this was a money-making hoax/scam in all regards. (continued see last page) There is no question that I would be unable to be a fair and impartial juror in this case. I can't imagine that there could be any rational defense for what occurred. I also have a severe bias toward "New Age" and spiritual enlightenment type money-making scams.
- First-responder reports of people dying and sickened were very graphic. I would have difficulty believing that J. Ray had the best interest of participants in mind during the ceremony.
- For 32 years I had the responsibility on a 24/7 to maintain the health & safety for 130 patients by monitoring, identifying & preventing incidents for all health care provided. This case, as I reviewed it is similar in responsibility and I feel could have been prevented and I hold him to blame.
- From searching the Web & looking at the issues unsure how any person could be to Blame. Mechanical/Building issues
- From the T.V. & newspaper coverage concerning Mr. Ray, I believe that he is responsible for these deaths.
- From what I've heard it sounds like James Ray was negligent and is clearly at fault.
- Have gotten a opinion from T.V.
- He is guilty - I think Mr. Ray was completely responsible for their safety.
- I've already formed my opinion and feel he should save the tax payers money and plead GUILTY!

- I admit to a bias for anyone pretending to provide a "sweat lodge" type of service that can have harmful results - for profit.
- I am uncomfortable with the idea that I would be able to remain neutral. I already have strong convictions based on all I have been exposed with this particular case.
- I believe he is guilty and should be punished to the fullest extent of the law, including the death penalty.
- I believe him to be guilty of all charges.
- I believe that Ray put participants in an environment (so-called sweat lodge) that was dangerous to their health and lives. This is spite of what must have become clearly dangerous, he coerced participants to stay in the so-called sweat lodge for
- I do not think Mr. Ray is on the up and up with regard to peoples welfare, perhaps their wallets maybe.
- I don't agree with "sweat lodge" approach
- I don't know for sure. I did form an opinion about him from what I heard on T.V.
- I don't understand why people would deliberately subject themselves to conditions of extreme heat and humidity and limited ventilation, but I don't know enough about the case to have formed an opinion of who is responsible for the injuries and deaths
- I feel (Ray) is guilty of manslaughter if not murder in the deaths of these 3 people.
- I feel he is definitely guilty of putting lives of people in jeopardy and causing the death of some of these people, totally for his own financial gain. He does not care about the health and well being.
- I feel he is guilty already/A gods like person would not be like this.
- I feel like James Arthur Ray is guilty based on what I know.
- I feel Ray did not help victims as he should have.
- I feel right now that he is guilty
- I feel that James Arthur Ray was really running a cult situation. I find all types of cults to be very suspect and just a form of mind control for power and money.
- I feel that this should have been prevented.
- I feel that what I read and heard would interfere with my ability to be fair.
- I formed an opinion about this a long time ago. It's hard not to watch news & read papers and not.
- I found Mr. Ray to be somewhat arrogant and self-centered in the continuing to promote his personal business and activities even after the tragedy.
- I have a 'personal opinion' pre-formed, due to media coverage.
- I have already come to a conclusion about this case in my mind.
- I have an opinion of the negligence of the organizers of the event.
- I have become biased to view Mr. Ray as a money hungry fraud. A cult leader who preyed on others and pushed them too far.
- I have formed an opinion already.

- I have no doubt that Ray did this, that it didn't matter to him (except the loads of money and bad PR) and that his history demonstrates a pattern of behavior that could easily have resulted in this earlier.
- I have strong opinions about this case.
- I have written on page 5, the 1st question, of what I believe. I'm sure I would be impartial.
- I think he's guilty
- I think he's guilty.
- I think if he was keeping them in the lodge without a choice he should suffer the consequences of their deaths.
- I think the people in the lodge were responsible for themselves as adults!
- I work with some fellow firemen who have spoke of the situation along with YCSO officers that have also heard through the rumor mill.
- I would be able to listen to evidence, but once again, I must admit that I believe Mr. Ray held the ultimate responsibility for the health and welfare of his clients participants
- I would be starting from the premise that the burden of proof rests with the defense, given that the number of victims involved.
- I'm not sure. I just feel nervous about the whole thing. That's just me being emotional.
- It disturbs me to think that people were injured and lives lost in something as simple as a sweat lodge purification. I feel that Mr. Ray and those who constructed the structure are totally responsible for those deaths and injuries.
- It is possible that I might not be able to be impartial.
- It seems tent type dome built for this was not to code
- It upset me even more to learn how much money these people had paid Mr. Ray for this abuse.
- James Arthur Ray had an obligation to insure the safety of all participants at the sweat lodge ceremony and should be accountable.
- James Ray seemed to believe he was above the law and like Jesus Christ.
- Mr. Ray was responsible for the building of this sweat house and conducting services in it there for he is responsible for the safety of all who enter into it.
- My information about the case may interfere with court room testimony.
- My professional knowledge of the events of this situation would make it difficult for me to remain impartial.
- New was not in his favor.
- People need to take responsibility for their own decision's.
- Perhaps not, but I would have a lingering feeling that the defendant is a con artist.
- Please refer to my answer to #10 and the 1st question on this form.
- Possibly due to having read much about the case and Mr. Ray.
- Possibly, because of the way the pictures made me feel. I was angry that those who wanted to leave were pressured to stay when they wanted to leave.
- Possibly.
- Possibly. My feelings tend to favor the defendant.

- Possibly? Not sure.
- See above.
- See attached. The media showed that Mr. Ray was in charge and as such, was the responsible party for anything that happened. As such he is the guilty party for anything that happened.
- See previous comment about the defendants negligence and liability
- Seems apparent, on the basis of coverage, that he is guilty.
- The information from the media sums up a man (Ray) conning and exploiting those who were in his care. It is unavoidable, with regard to how and where you get the news. I don't see how or where a fair and impartial jury would be found. It would have
- The information is out there. Its hard to ignore.
- The people should have been checked on thier conditions very closely and not let it get out of hand before it did.
- The way in which the hut was built w/blue tarps over it to trap heat and the amt. of people in the hut @ the time was negligent behavior in my point of view. Also, dissuading those who felt it necessary to leave the hut due to the
- They should be responsible for themselves. No one forced them to sit in a room with no air.
- This coverage convinced me that Mr. Ray is a con artist who has garnered a fortune by duping people. I believe his greed and inflated ego caused him to ignore the well-being of those who trusted him, impossible to be impartial as juror in this case.
- Though he has not been tried, I already feel he is gullyty.
- Unsure. Not sure If my exposure would create a bias.
- When this story hit the news I talked to my son about it at the time. My son & I live together & he is a police officer for Sedona. I regret to say that it would be difficult for me to be fair & impartial juror.
- Yes, from what I understand the occupants of the tent were made to stay in it and were unable to leave.
- Yes, I think Mr. Ray is responsible for the death of these people.

Exhibit F

Maricopa County Dialing Dispositions

Final Disposition: VIN Maricopa County, AZ
#1560

All interviews were conducted from 2/1/2011
to 2/3/2011

Average Length of Interview: 2
min, 11 sec

Disposition	# of calls	% of calls
No answer	2097	12.08%
Phone busy	3266	18.82%
Disconnected phone	4358	25.11%
Business/Government phone	542	3.12%
Respondent not available	1998	11.51%
Initial refusal	230	1.33%
Computer tone	562	3.24%
Language problems	82	0.47%
Schedule callback	6	0.03%
Answering machine	3061	17.63%
Blocked call	560	3.23%
Cell phone	3	0.02%
Mid-interview terminate	59	0.34%
Connected - no resp. on line	73	0.42%
Over quota	3	0.02%
S/O No M/F 18+	5	0.03%
S/O Not Registered / No ID	53	0.31%
Completed Interviews	400	2.30%
Total	17358	100.00%